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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,303	03/21/2001	Garth F. Schmeling	10002015-1	4824

7590 02/24/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/814,303

**Applicant(s)**

SCHMELING, GARTH F.

**Examiner**

Asghar Bilgrami

**Art Unit**

2143

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori (U.S. 6,094,674) and Bendinelli (U.S. 6,061,719).

3. As per claim 1, 15 & 24 Hattori disclosed a confederacy comprising: a network; a plurality of devices coupled via said network, at least one of said devices having a resource (col.3, lines 36-64); and means for automatically effecting communication with respect to said resource between said device having said resource and at least one other of said devices coupled via said network (col.3, lines 25-35 & col.10, lines 4-16). In the same field of endeavor Hattori did not explicitly disclose wherein said resource is embedded web content. However Bendinelli disclosed wherein said resource is embedded web content (col.1, lines 45-67, col.2, lines 1-5, col.2, lines 51-67 & col.3, line12).

It would have been obvious to one having ordinary skill in the art at the time this invention was made to provide web content to be available to the networked devices in order to give users more versatility, added features and as a result enrich their network experience.

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4. As per claims 2 & 16 Hattori- Bendinelli disclosed the invention of Claim 1 wherein said network is an intranet (col.19, lines 38-42).

5. As per claims 4, 5, 6, 7 & 17 Hattori-Bendinelli disclosed means for automatically effecting communication being an agent residing on at least one of said devices (col.2, lines 59-61); wherein said agent resides on said device having said resource; further including an agent running on each device on said network; wherein each agent running on each of said devices on said network is implemented in software (col.6, lines 1-6 & col.10, lines 4-16).

6. As per claims 8, 9 & 18 Hattori-Bendinelli disclosed the invention of Claim 7 wherein said agents include code for establishing and joining the said confederacy (col.13, lines 5-10 & col.14, lines 50-59).

7. As per claims 11 & 20 Hattori-Bendinelli disclosed the invention of Claim 8 wherein at least one device includes memory for caching an object value from a device in said confederacy (col.12, 36-45).

8. As per claims 12 & 21 Hattori-Bendinelli disclosed the invention of Claim 8 wherein at least one of said agents includes code for allowing each member to act as a portal (col.13, lines 22-31).

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9. As per claims 13 & 22 Hattori-Bendinelli disclosed the invention of Claim 8 wherein said agents include code for monitoring changes at said other devices in said confederacy (col.6, lines 1-14).

10. As per claims 14 & 23 Hattori-Bendinelli disclosed the invention of Claim 8 wherein said agent includes code for verifying that a member device is active and in the confederacy (col.6, lines 15-22).

11. The applicant argued that, “there is no basis for combining the teachings of Hattori and Bendinelli. Hattori relates to information processing apparatus connected via a network while Bendinelli relates to a broadcast television system. These are unrelated fields”.

As to applicants Hattori provides an information processing apparatus (connected via a network) residing an agent, which controls the user apparatus’s communication (col.2, lines 58-61), by providing data control and service operations information [also known as Quality Of Service (QoS)], permissions (of each user to the communication server and thus providing the threshold capabilities and access control of the device connected to network (col.6, lines 15-23). Whereas Bendinelli describes a broadcast television system that can display web content simultaneously in a picture in picture (PIP) to the user once the user selects the link to the embedded web page (col.2, lines 6-29). Therefore by combining Hattori teaching of providing user device’s operational capabilities by means of a local agent to a content server-providing web resources taught by Bendinelli will ensure controlled access to the web resources by the users as well as more robust and versatile web surfing experience.

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"Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art." In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981)

### *Conclusion*

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami  
Examiner  
Art Unit 2143

AB

Will C. Vaughn  
Primary Examiner  
Art Unit 2143  
William C. Vaughn, Jr.